THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.7688 OF 1997

ORAL ORDER:

Sri Gayatri Apartments Flat Owners Association, Kavadiguda, filed this writ petition, aggrieved by the action of the Hyderabad Metro Water Supply and Sewerage Board, in proposing to disconnect water and sewerage connections to their apartments, situated in Sy.Nos.221/2; 222/2 and 224 of Kavadiguda, Secunderabad.

From the material on record, it appears that the 1st respondent-Board issued a notice dated 4.7.1996 to the 2nd respondent, builder of the Apartments, calling upon to deposit a sum of Rs.9,91,790/- towards water supply and sewerage connection charges in respect of the Apartments in question, failing which service connections would be disconnected. It is contended by the petitioner-Association that the amount demanded by the 1st respondent was not only without any basis and illegal, but as per their information, the 2nd respondent had made all the necessary statutory payments including charges for supply of water and sewerage connection. It is also stated that as a matter of fact, no water connection was given to the Apartments by the date of demand.

This Court while directing *Rule nisi* by order dated 17.4.1997 granted interim orders directing the 1st respondent not to disconnect water and sewerage connections to the Apartments in question, subject to the condition that the petitioner deposits a sum of Rs.1.00 lakhs with the 1st respondent within a period of four weeks.

Though *Rule nisi* was ordered on17.4.1997, no counter-affidavit has been filed by the 1st respondent so far.

Having regard to the facts and circumstances of the case and in the absence of any counter-affidavit, I deem it appropriate to dispose of the writ petition granting liberty to the 1st respondent to issue a fresh demand notice, in case charges payable in respect of the Apartment in question are still due, and take necessary action in accordance with law. It is made clear that in case it is found that any amounts are payable in respect of the Apartment in question, before taking steps for recovery of the same, the petitioner-Association, apart from the 2nd respondent, shall be issued notice and be given an opportunity to put forth their objections.

The writ petition is accordingly, disposed of. No costs.

(G. ROHINI, J.)

25th January, 2007.
Kgr.

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.7688 OF 1997

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25th January, 2007.

Between:

Sri Gayatri Apartments Flat Owners Association, Kavadiguda, a registered Society, represented by its Secretary- Sri R. Srinivas. ..
Petitioner.

And

The Managing Director, Hyderabad Metro Water Supply and Sewerage Board, Khairatabad, Hyderabad and another. ..
Respondents.